

DATE: April 6, 2023

TO: Tony LaColla, Division Chief
Department of Planning and Zoning

FROM: Mavis Stanfield, Urban Planner, Land Use Services
Department of Planning and Zoning

SUBJECT: Special Use Permit #2023-00017
Administrative Review for a New Use
Site Use: Child or Elder Care Home
Applicant: Judith Paredes
Location: 1118 North Pegram Street
Zone: R-12/Single Family Zone

Request

Special Use Permit #2023-00017 is a request to operate a child care home, operating as Busy Bunnies Child-Care, at 1118 North Pegram Street. The applicant would care for up to nine children from the ages of three months to five years, including resident children under 12. The proposed hours of operation are 7:00 a.m. to 5:00 p.m., Monday through Friday. There will be a total of three caretakers, the applicant and two employees. The drop-off window would occur between 7:00 a.m. to 8:00 a.m. and the pick-up window would occur between 4:30 p.m. to 5:00 p.m. The fenced rear yard has an area of approximately 5,000 square feet and 357 square feet of play equipment. The clients would park in the driveway and walk their child(ren) to the front door.

Background

The subject property is a single family home located on a 12,841 square foot parcel. The site is surrounded by single family homes to the north, south and west and by the James K. Polk Elementary School to the east. Properties located beyond the immediate surroundings of the application property are also single family homes.

The applicant currently has a license to care for four children and has been operating for six years, which does not require SUP approval. The property has no recent history of zoning violations.

Parking

The Zoning Ordinance does not require child care operations in residences to provide additional parking beyond the residential requirement. It is noted that the applicant has six parking spaces in the driveway of her house that will be utilized during the day for drop-off and pick-up of children. The driveway is approximately 1,000 feet in area and 75 feet in length.

Community Outreach

Public notice was provided through eNews, via the City’s website, and by posting a placard on the site. In addition, Brookville-Seminary Valley Civic Association was notified by email. Staff has not received any comments.

Staff Action

Staff supports the applicant’s request to operate a child care home for up to nine children, including the one child living in the home, under the age of 12. The applicant’s proposed child care operation would fulfill a need for additional child care options in the City. With the imposition of conditions, the use is not expected to produce adverse neighborhood impacts since the operation proposed is relatively small and it is the expansion of an existing child care. No comments from the public were received. The property would remain primarily residential. The maximum number of children in the applicant’s care would be limited to nine as stipulated in Condition #3. Staff believes that with the imposition of conditions the child care use can be regulated for the benefit of the community.

It is noted that at the time the first inspection was conducted by staff from Department of Community and Human Services (DCHS) on March 14, 2023, outdoor storage, including vehicle equipment, old tires, and a vehicle in need of repair were located within the fenced area of the rear yard, in violation of Zoning Ordinance provisions that prohibit outdoor storage. A follow-up inspection on March 29, 2023 by DCHS staff established that the outdoor storage had been removed from the rear yard.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: April 6, 2023

Action: Approved



Tony LaColla, Division Chief

- Attachments: 1) Special Use Permit Conditions
 3) Department Comments
 2) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2023-00017

The owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The Special Use Permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)
2. The hours of operation of the child care home shall be limited to between 7:00 a.m. and 5:00 p.m., Monday through Friday. (P&Z)
3. The maximum number of children, including any resident children under the age of 12, that may be cared for in the home at any one time shall be nine. (P&Z)
4. The applicant shall maintain all required licenses for operation as a child care home. (P&Z)
5. The applicant shall maintain 75 square feet of fenced outdoor play space in the rear yard for each child over age two. (P&Z)
6. Vehicles associated with drop-off and pick-up shall park in the driveway of the applicant's property. Staggered arrival and departure times shall be scheduled to ensure that all drop-off and pick-up occurs on the property. (P&Z)
7. Vehicles associated with drop off and pick-up shall be permitted to idle for no more than 10 minutes when parked. (P&Z)
8. The applicant shall require its employees who drive to work to use off-street parking spaces. (T&ES).
9. The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)
10. The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES).
11. The applicant shall encourage patrons to park off-street through the provision of information about nearby garages or lots in the business' advertising and website. (T&ES)

12. The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

CITY DEPARTMENT COMMENTS

Legend C – code requirement R – recommendation S – suggestion F – finding

Transportation & Environmental Services

- C-1 Applicant must adhere to noise code.
- R-1 The applicant shall require its employees who drive to use off-street parking. (T&ES)
- R-2 The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)
- R-3 The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES)
- R-4 The applicant shall encourage patrons to park off-street through the provision of information about nearby garages or lots in the business' advertising and website. (T&ES)

Code Department

- C-1 In accordance with **VCC 310.6 #3** only Care facilities for five and fewer people can be classified as Group R-5 (residential single/double dwelling units and townhouses) and shall meet provisions from the VA Residential Code.

When the number of children receiving care is greater than 5, the area of dwelling unit where childcare services is provided undergoes a change in occupancy, thus a building permit is required and the safety provisions for that area shall be in accordance with VA Construction Code (commercial use buildings).

Therefore, per building Code and Municipal Regulations childcare services can be approved to take place in R-5 residential dwelling units for no more than a total of 9 children (per Munis Code), but when the number of children is greater than 5 the childcare area shall be classified either as R-4, E or I-4 occupancy, the building becomes mixed-use occupancy and shall meet applicable requirements from VCC.

- C-2 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of SUP approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about

completing this form. (T&ES)

- C-3 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)
- C-4 Section 5-1-42- Collection by Private collectors. (c) Time of collection. Solid waste shall be collected from all premises not serviced by the city at least once each week. No collections may be made between the hours of 11:00 p.m. and 7:00 a.m. (6:00 a.m. from May 1, through September 30) if the collection area is less than 500 feet from a residential area. (T&ES)

Fire Department

- C-1 Applicant shall submit a fire prevention permit application that will result in an inspection by the Fire Marshal's office. Application can be accessed online at: www.alexandriava.gov/fire-department/the-fire-marshals-office

Health Department

No comments received.

Police Department

No comments received.

Recreation, Parks, and Cultural Activities

No comments received.

Department of Community and Human Services, Early Childhood Division

**March 14, 2023,
Application for Special Use Permit #2023-000**

Judith Paredes
Busy Bunnies Child Care
1118 N. Pegram Street, Alexandria, VA 22304

Site visit was conducted on 3/14/2023. This dwelling is a three-level single family house with four bedrooms, one half-bath and two full bathrooms. The four bedrooms and two full baths are located on the top level of the home. The front entrance of the home leads into a combined living and dining room space and a kitchen area. There are two short staircases on this level, one that leads to the upper level of the home and the other leads to the basement area of the home. The living and dining room space is free of any furnishings due to upcoming remodeling for new wood flooring. The renovations will not be done while the children are in care. The kitchen of the home will only be utilized for childcare

purposes, there is a child size table for mealtime. The kitchen is equipped with a side door that can be utilized as an emergency exit and allows access to the back yard. The basement of the home is the area that will be utilized for childcare operations. This basement offers plenty of space and natural lighting from outdoors, as it is equipped with 2 big windows, from which you can see the homes very large backyard space that is equipped with a playground.

The basement level has a safety gate at the top of the staircase to serve as a barrier from accessing the middle level of the home. The half bathroom of the home is located on this level, which will be utilized for toileting and handwashing purposes. The bathroom is in a medium sized laundry area that has a door to close of the entrance. The bathroom area also has a separate door for privacy. The half-bath is equipped with a sink, toilet, child size toilet training seats and provides child safe stepstool for use during hand washing. The laundry area is also utilized for storage of program equipment and materials. The space has a back door that leads into the backyard and also serves as an additional emergency exit. The utility area of the home is also located in the laundry room, which will be undergoing renovation. The renovation will include building a safety barrier around utility equipment, so it's not visible or accessible to children.

Ms. Paredes has organized the play area with an educational theme of various posters that exhibit the alphabet and numbers. There is a play table utilized for arts and crafts. Her program offers a variety of activities that promote learning and creativity for all ages in care. Children's toys are easily accessible at children's eye level. During visit the stations were not as organized as the children had been playing, however the stations were labeled to exhibit options. The main space has 1 crib that meets crib safety standards. Provider is required to purchase additional cribs if planning to care for more infants birth to 18 months. There are 2 sleep cots and 2 mat utilized for napping. Ms. Paredes plans to purchase more sleep equipment upon approval to care for more children. The play table is moved at sleep time, which allows the proper floor spacing required between sleep equipment. The cots are collapsible and are stored away in laundry room when not in use. The changing table for diapering has the proper covering as well as rubber gloves and changing materials. Children's personal belongings are stored in a designated closet space. Ms. Paredes currently has 3 children enrolled, 2 preschoolers ages 2 and 3 years old and one 13-month-old infant.

The home was found clean, but somewhat cluttered and not as organized in the play area due to the upcoming renovations. The inside of the home does meet majority of health and safety standards. All cabinets have safety locks in the kitchen, doors have safety knob covers and sockets in all areas of the main child-care space are covered. The bathroom does not have any items stored that are hazardous. The main area offers 2 exits in the event of the need to evacuate during an emergency, the back door and windows that are ground level. Fire evacuation plan and an emergency preparedness plan is in place. All smoke alarms and carbon monoxide detectors are in working order and are checked yearly by Fire and Code Enforcement. Fire extinguisher is in proper working order. First Aid Kit is fully stocked. Ms. Parades is following the proper protocol and standards for cleaning and use of supplies as it pertains state and city requirements and COVID-19. The backyard is fenced in and offers plenty of outdoor space for play and the playground equipment is clean and safe. Several feet away from the playground area is some vehicle equipment, old tires,

and a vehicle in need of repair. This may pose a safety hazard to children. Ms. Paredes has been advised that tools need to be properly stored away and reminded of the necessary supervision of children to be always of sight and sound. Once the home and space are reorganized after the renovations, there is sufficient space to **care for up to 7, but no more than 8 children.**

Ms. Paredes's operational hours are M-F 7am to 5pm and serves children ages 8 weeks to 12 years old. Provider is in process of hiring a new assistant to aid in providing care and has been made aware of the regulation of no more than 4 allowed, which requires an assistant. Once this assistant is chosen, provider has been made aware to notify the Licensing office and her assigned State Inspector. The assistant will have to undergo training requirements for health and safety and get the necessary background clearances. Other residents in the home include Ms. Paredes's husband, Hugo Flores, and her 2 children.

R: Approval recommended for Ms. Judith Paredes's special use permit to allow care for up to (7- 8) non-resident children, pending compliance with other departments recommendations and subject to licensing, registration requirements and other limitations of local and state regulations. Applicant does have one (1) residential child under the age of 12, which lowers the capacity to 8. Ms. Paredes must maintain an assistant for the number of children and ages she plans to provide care for.


March 29, 2023

In the original report, it was recommended that all mechanical tools and equipment in the backyard space be properly stored away, and vehicle be removed or fenced in to prevent children from access. Ms. Judith Paredes contacted Specialist to verify that the recommendation was fulfilled. A follow up site visit was conducted to take photographs of the yard space, but during the site visit it was discovered that the pictures were already taken and submitted by email to Mavis Stanfield. Zoning may proceed with the approval for Special Use Permit.

Natalia L. Spinner, Family Services Specialist
Early Childhood Division
Department of Community and Human Services
Natalia.spinner@alexandriava.gov
703.746.5938

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2023-00017. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the child care home at 1118 North Pegasus Street.



Applicant - Signature

04/10/2023

Date

Judith Paredes

Applicant – Printed

04/10/2023

Date